



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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September 19, 2008

Dr. Daniel J. LaVista
Executive Director
State Council of Higher Education
James Monroe Building
101 North 14th Street
Richmond, VA 23219

Re: Public Participation Guidelines (8 VAC 40-11)

Dear Dr. LaVista:

You ask whether the State Council of Higher Education possesses the requisite authority to promulgate the above-referenced regulations.

Va. Code Ann. § 23-9.6:1(15) vests the State Council of Higher Education with the authority to promulgate such regulations as may be necessary to carry out its powers and duties under the Code. Va. Code Ann. § 2.2-4007.02 mandates that each agency develop, adopt and use public participation guidelines.

I also find that the proposed regulations are consistent with the statutory grant of authority to promulgate them, are consistent with the statutes, and are internally consistent. The proposed regulations do not appear to run afoul of state or federal statutes. I further find that the proposed regulations have no Constitutional defect.

The foregoing represents my personal view and is not an official opinion of the Attorney General. If you require additional assistance on this matter, please do not hesitate to contact me.

Respectfully,

Jake A. Belue
Assistant Attorney General